

Issue Paper

Rule Making on Designating Official ID

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Description of the Issue

The purpose of this issue paper is to recommend that the Board proceed with proposed rule changes (CR 102) repealing the current rule that identifies official documents used to verify a person's age to purchase alcohol or tobacco. The list of official documents is sufficiently covered under RCW 66.16.040.

Why is rule making necessary?

Legislation enacted during the 2005 legislative session eliminated certain documents and added tribal enrollment cards to a list of officially issued documents that can be used to prove age when purchasing liquor and alcohol. The following rules are affected by the change in state law: WAC 314-11-025 and 314-10-050. This rule making addresses only the rule for the purchase of alcohol. The rule for tobacco will be addressed in a subsequent rule making dealing with a series of tobacco issues.

Background

Legislation

The following bills were passed during the 2005-06 legislative sessions:

1. SHB 1496 (2005 session) - Authorizes enrollment cards issued by the governing authority of a federally recognized Indian tribe located in Washington to be used as identification for the purchase of alcohol or tobacco. The enrollment card must incorporate security features comparable to those implemented by the Department Of Licensing for Washington drivers' licenses. The tribe must give the liquor control board at least 90 days notice of intent to use the tribal enrollment card for the purpose of purchasing alcohol or tobacco. The liquor control board will notify licensees of the new tribal enrollment card.
2. HB 1621 (2005 session) – Eliminates the liquor control authority identification card as an official form of identification for proving age to purchase alcohol. The Board stopped issuing cards in 1971. Two other states and four Canadian provinces allowed use of the card as recently as 2005. When this bill was passed, it did not include reference to similar language in the tobacco statutes. The result is that the list for alcohol is different from the list for tobacco.

Military identification now uses an imbedded signature and state law was clarified to allow use of an imbedded non-visible signature to meet the requirement that the document have a signature.

A tribal enrollment card was added to the list of officially issued documents that can be used by licensees to verify a customer's age when purchasing alcohol and tobacco.

Current WAC rule

Requirement that the ID must not be expired

The current rule addresses the use of expiration dates on official documents. In staff workgroup discussions, it was acknowledged that expiration dates are not required by state law. To require an expiration date would make some legislatively recognized forms of identification invalid. Some military ID is issued with an indefinite expiration date which results in no practical expiration date. One Tribal enrollment card does not have an expiration date. Staff expressed concern that documents that have an expiration date and the date has expired are more susceptible to misuse by persons other than the owner of the document.

Temporary Washington driver's license

The current rule allows an expired Washington driver's license to be used as identification as long as it is accompanied by a "temporary paper license" or a current expiration extension sticker. The format of a temporary Washington driver's license has changed to include a photo of the person to whom it is issued. It now meets the statutory criteria for an official form of identification.

What changes must be made?

The Legislature establishes the list of officially issued forms of identification. These documents must be used by any person purchasing alcohol if the person's age is questioned.

Based on legislative changes, the current WAC conflicts with RCW 66.16.040 as follows:

1. New forms of identification are added to WAC 314-11-025.

The agency rule must be modified to include tribal enrollment cards for federally recognized Indian Tribes located in Washington.

2. Forms of identification no longer recognized are removed from WAC 314-11-025.

The liquor control authority card of identification of any state or province of Canada must be removed from the agency rule.

3. Signature requirement met by use of imbedded signature for military ID.

The agency rule must allow an imbedded signature used on military ID to satisfy the requirement that official identification must bear the signature of the holder.

Additional policy changes include:

4. Expiration dates no longer required.

The agency rule will no longer require that an expiration date be required on an official form of identification listed in statute.

5. Temporary Washington driver's license is not treated differently from permanent license.

The agency rule refers to use of temporary licenses along with a punched permanent expired driver's license. A temporary Washington driver's license is a valid Washington driver's license.

Recommendations

Staff recommends that the Board proceed with rulemaking (CR 102) to repeal the existing rule on designation of official forms of identification for proving a person's age when purchasing alcohol or tobacco.

Changes being recommended would not add any further guidance to licensees than exists in RCW 66.16.040. The removal of the requirement that a Washington driver's license or card of identification not be expired aligns with the statute and legislative intent. The primary reason for the expiration of a driver's license is for the regulation of driving privileges. The officially issued document does not lose authenticity in regard to the name, date of birth, and picture identification. The ability of enforcement officers to verify personal information does not change if the license is past the expiration date. If a customer's age is questioned, the licensee or his or her employee may require satisfactory proof of age before risking service to a person underage and is not required to serve someone unless they are sure the person is 21 or older.

| Pros of recommendation | Cons of recommendation |
|---|---|
| <ul style="list-style-type: none">▪ If the WAC simply mirrors the statute, there is no need for the WAC.▪ The focus of the identification process will be on the seller.▪ Laws exist to punish those who use false ID.▪ Future additions to the list of official documents will not require a change in the WAC. | <ul style="list-style-type: none">▪ May facilitate the passing down of expired licenses to friends and siblings. However, the current system is easily circumvented by not turning in the old license for punching. |